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Security Council

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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/385).

The Counter-Terrorism Committee has received the attached supplementary report from the United States, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 June 2002 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I am pleased to provide the additional information (see enclosure) requested by the Counter-Terrorism Committee in its letter of 22 March 2002.

I should like to take this opportunity to express my continuing appreciation for your leadership in the fight against international terrorism.

(*Signed*) James B. **Cunningham**
Chargé d'affaires a.i.

Enclosure

Reply to the Counter-Terrorism Committee, 14 June 2002

Security Council resolution 1373 (2001)

Paragraph 1(a):

Improved Coordination at Home: Does the US have a specialist counter-terrorism body or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination among the various entities effected?

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

The United States is engaged in an ongoing effort to improve its ability to combat terrorism. On June 6, 2002, President Bush announced that he would ask the Congress to create a cabinet-level Department of Homeland Security. The new department would include many functions now performed by existing departments, agencies and bureaus. The creation of the new department will take time, especially since new legislation will be required. We will inform the CTC when these changes are in place. In the meantime, responsibility for combating terrorism is organized as follows:

The National Security Council (NSC), created by the National Security Act of 1947, coordinates the President's national security policies among the various Executive Branch departments and agencies and ensures their effective development and implementation.

On October 8, 2001, through Executive Order 13228, the President created the Office of Homeland Security (OHS) within the Executive Branch to develop and coordinate the implementation of a comprehensive national strategy to secure the U.S. from terrorist threats or attacks. OHS coordinates the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. OHS works with executive departments and agencies, state and local governments, and private entities to ensure that the national strategy is adequate. The same executive order established the Homeland Security Council, as a counterpart to the NSC. The Homeland Security Council advises and assists the President with all

aspects of homeland security. It also ensures the effective coordination, development, and implementation of security policy.

On October 9, 2001, the President established the Office for Combating Terrorism under the direction of the National Director and Deputy National Security Advisor for Combating Terrorism. This person, who serves as the President's principal advisor on the international and domestic dimensions related to combating global terrorism, reports to the Assistant to the President for National Security Affairs and to the Assistant to the President for Homeland Security. He is responsible for coordinating diplomatic, trade, financial, foreign assistance, foreign training and other programs to ensure support for counter-terrorism objectives. He chairs an interagency group that supports this mission.

On October 16, 2001, the President established the President's Critical Infrastructure Protection Board (CIPB). The CIPB recommends policies and coordinates programs for protecting critical infrastructure such as power grids, bridges, dams and gas lines and the information systems that support such assets. To ensure coordination between the NSC and the OHS, the Chair of the CIPB reports to both the Assistant to the President for National Security Affairs and to the Assistant to the President for Homeland Security.

Many departments and agencies have responsibilities and authorities for developing and managing counter-terrorism initiatives, assistance or programs. These efforts are guided by the principles contained in the annual National Security Strategy, and by the forthcoming, inaugural editions of the National Strategy for Combating Terrorism, the National Strategy for Homeland Security, and the National Strategy for Cyber Security.

Responsibility for different aspects of the war on terrorist financing is also distributed among many departments of the U.S. Government. The Treasury Department chairs an inter-agency group that coordinates U.S. efforts against terrorist financing. This process involves experts and policy makers from the Departments of State, Treasury, Justice, the Federal Bureau of Investigation, the intelligence community, and the White House (NSC). Additional sub-groups support the work of the interagency committee by establishing potential targets, deciding appropriate action for each of the targets, and building international cooperation.

Please indicate the dates on which the International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention Against Transnational Organized Crime are to be ratified. Has a program of ratification already been embarked on?

The Senate gave advice and consent to ratification of the Terrorism Financing Convention on December 5, 2001, and the President has signed the instrument of ratification. Legislation necessary to implement the Convention passed the House of Representatives on December 20, 2001, and currently is pending in the Senate. The United States expects to deposit its instrument of ratification as soon as the necessary implementing legislation is enacted.

The United States signed the Transnational Organized Crime Convention on December 13, 2000, and expects to transmit the Convention very shortly to the Senate for advice and consent to ratification. No implementing legislation is envisaged, so ratification would follow directly after Senate action and signature of the instrument of ratification by the President.

Are natural or legal persons other than banks (e.g. attorneys, notaries or other intermediaries) required to report suspicious transactions to the public authorities, and if so, what are the penalties that apply to a person who omits to report, either willfully or by negligence?

In addition to banks, the regulations (31 Code of Federal Regulations 103.18, 103.19) implementing the Bank Secrecy Act (31 United States Code 5318(g)) require the following persons and entities to file suspicious activity reports:

- Thrifts, savings & loan associations, and credit unions (which the regulations define as "banks");
- Money transmitters, issuers/sellers/redeemers of traveler's checks, money orders, and stored value; and
- The United States Postal Service.

In addition, recent statutory amendments to 31 U.S.C. 5318 made by Section 356 of the Uniting and Strengthening America by

Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Public Law 107-56 (October 26, 2001 - the "USA PATRIOT Act"), require Treasury to publish a final rule by July 1, 2002, requiring broker-dealers in securities to file suspicious activity reports. The rule has been published for comment, 66 Federal Register 67670 (December 31, 2001), and is being finalized for publication prior to July 1. A rule requiring casinos to report suspicious activity was published March 29, 2002, 67 F.R. 15138, and is expected to be finalized during the summer of 2002. Congress also has required the Treasury Department to determine whether commodities brokers should be required to report suspicious transactions pursuant to the Section 5318 amendments cited above, and to study whether investment companies should be brought within the Bank Secrecy Act regulations, including those requiring the reporting of suspicious transactions. Both projects are ongoing. The investment company report is due October 25, 2002.

The Bank Secrecy Act provides both civil and criminal penalties for violations of the implementing regulations, including those mandating suspicious activity reporting. Civil penalties (31 U.S.C. 5321) can be based on willful violations, negligent violations, or patterns of negligent violations. For willful violations, civil penalties may be imposed of up to the greater of the amount of the transaction (not to exceed $100,000) or $25,000. For negligent violations, civil penalties may not exceed $500. For a pattern of negligent violations, a civil penalty of up to $50,000 may be imposed. A civil penalty may be imposed notwithstanding the imposition of a criminal penalty for the same violation.

Criminal penalties (31 U.S.C. 5322) may be imposed for willful violations of the regulations in an amount up to $250,000, the violator may be imprisoned for up to five years, or both sanctions may be imposed. Where the violation is part of a pattern of any illegal activity involving more than $100,000 in any twelve-month period, or occurs in conjunction with the violation of another law of the United States, a fine of $500,000, or up to ten years' imprisonment, or both, may be imposed.

Paragraph 1(b):

Providing Support to Terrorists: Does the offence of "support to a Foreign Terrorist Organization" arise only with regard to the terrorist organizations included in a list drawn up under Section 219 of the Immigration and Nationality Act? Can proceedings be instituted against the accomplices of a terrorist organization that is not yet listed? If not, how would the United States deal with such a problem?

The United States Criminal Code has at least two distinct provisions that can be applied to those who lend material support or resources to terrorists. Perhaps, the most widely recognized provision is 18 U.S.C. 2339B, which makes it a federal crime to knowingly provide or attempt or conspire to provide material support or resources to a foreign terrorist organization, which has been designated as such by the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury.

Section 2339A enables the United States to prosecute those who provide, or attempt or conspire to provide, material support or resources for use in the commission of a wide variety of crimes, including terrorist related crimes. Those who conceal or disguise the nature, location, source of ownership of materials for use in the commission of a crime and those who aid in the escape of those committing such crimes can also be prosecuted.

(As with 2339B, the term "material support or resources" is very broadly defined to mean "currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.) Charges under 2339A may be brought whether or not a designated foreign terrorist organization is involved in the violation. (Penalties for each violation can include criminal fines and incarceration of up to fifteen years or life.)

In addition, the International Emergency Economic Powers Act, 50 U.S.C. 1701-1706 (IEEPA), authorizes the President to exercise broad emergency powers when he has declared a national emergency to deal with a threat to the national security,

foreign policy, or economy of the United States. Pursuant to IEEPA, the President issued Executive Orders 12947 of January 23, 1995, and 13099 of August 20, 1998 (both entitled "Prohibiting Transactions that Threaten to Disrupt the Middle East Peace Process"), and Executive Order 13224 of September 23, 2001 ("Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism"), which designated terrorist groups and individuals, and delegated authority to, as appropriate, the Secretary of State or the Secretary of the Treasury, in consultation with each other and the Attorney General, to designate further entities and individuals (persons), including, among others, persons providing financial, material, or technological support for, or services in support of, terrorist acts or for other designated persons, as well as persons the Secretary of the Treasury determines are owned or controlled by, or act for or on behalf of other designated persons. The Executive orders block the assets of and prohibit transactions with designated persons. Knowing violation of these prohibitions is a federal crime, and civil remedies are also provided.

Is the concept of "a Foreign Terrorist Organization" to be understood as "a foreign organization" that "engages in terrorist activity" that "threatens the security of United States nationals or the security of the United States" (section 219 INA)? If so, what measures are there to prevent or punish acts committed by terrorist organizations operating from the United States, by fund-raising for example, but for a cause not likely to affect United States interests?

For the purposes of designation of foreign terrorist organizations in connection with 18 U.S.C. 2339B, a foreign terrorist organization is (1) a foreign organization, (2) that engages in terrorist activity, which (3) threatens the security of United States nationals or the security of the United States, as prescribed pursuant to 219 of the INA.

Any United States-based fund-raising activity on behalf of a terrorist organization, even those organizations whose acts of terrorism did not target the United States, would likely easily meet the threshold level of threat to the security of United States nationals or the security of the United States, as prescribed pursuant to 219 of the INA. In addition, the

provisions of 18 U.S.C. 2339A, described above, and the provisions of the IEEPA, also described above, are available to prevent and punish acts committed by terrorist organizations operating from the United States.

Paragraph 1(d):

Does the United States have any means of monitoring financial activities, in particular fund-raising, by non-governmental associations or organizations? If so, please provide an outline.

No single agency exclusively regulates fundraising. Federal or state government agencies regulate aspects or fund-raising, depending on the subject matter and context Monitoring non-governmental associations or organizations involves federal and state governmental oversight and private sector self-regulation.

Most fund-raising is conducted by tax-exempt organizations, which must meet certain requirements of federal tax law to establish and maintain their exemptions. The federal government administers the federal income tax laws, as well as other federal laws that affect charitable fund-raising. The Internal Revenue Service (IRS) administers the federal tax law requirements that apply to tax-exempt organizations. The IRS focuses on the operations of organizations to determine whether their activities and funds further purposes recognized by the tax law as eligible for exemption.

The state governments also regulate other aspects of non-profit organizations, including fund-raising. A majority of states have adopted uniform legislation entitled "Model Act Concerning the Solicitation of Funds for Charitable Purposes." This act requires non-profit organizations to register before raising funds and to comply with consumer protection standards. The attorney general's office of each state has authority to enforce compliance with the state's fund-raising laws as well as its non-profit corporation laws under which organizations are created.

The charitable and philanthropic sector complements governmental oversight through "watchdog" groups, management support organizations, and infrastructure groups.

I. Federal Regulation

A. Federal Tax System

1. Tax Reporting

- In general, associations, organizations, and trusts are subject to income taxation unless they are exempt under specific provisions of federal income tax law. Taxable organizations file annual tax returns with the IRS, just as any other taxable entity or individual. The tax return of a taxable organization that raised funds would show little about the use of the funds apart from information needed to determine tax liability.

- Tax-exempt organizations, except for churches, small organizations, and certain others, file annual information returns rather than tax returns. The information return (Form 990 for most organizations; Form 990-PF for a private foundation) requires organizations to report information about activities in addition to financial information, including assets, liabilities, income and expenses.

- A significant feature of the U.S. system is that information returns filed by tax-exempt organizations are not confidential, as are tax returns. Thus, the information organizations provide on Form 990 or Form 990-PF is available to the public.

2. Tax-exempt Organizations

- Tax-exempt organizations do not normally pay taxes on their income.

- Organizations eligible for tax-exempt status under section 501 (c) (3) of the Internal Revenue Code include charitable, religious, educational, or scientific organizations. They must be organized as not-for-profit organizations, which means they cannot have, or distribute income to, private

owners. They must also meet an organizational test and an operational test:

- The organizational test requires that the documents creating the organization (articles of incorporation, trust documents, etc.) contain certain standard provisions. For example, the documents must provide that the organization is created exclusively for charitable purposes and that its assets will only go for charitable purposes if the organization dissolves.

  The operational test looks at the organization's operations. It must primarily engage in activities that accomplish tax-exempt purposes. It must operate for public rather than private purposes, and insiders may not unduly benefit from its operations. It cannot intervene in political campaigns, and may do only a limited amount of lobbying.

- There are two types of 501(c)(3) organizations: public charities and private foundations. Public charities include churches, schools, hospitals, and organizations that receive broad public support from public contributions. They are not subject to the strict operational controls and special taxes that are imposed on private foundations.

- Private foundations generally are charitable organizations supported by investment income rather than contributions, and are often controlled by family members. They are subject to a number of excise taxes to assure that their assets benefit charitable purposes rather than private interests. These taxes prevent insider dealings and other specified activities, and mandate a minimum level of charitable distributions.

3. Regulation of Tax-Exempt Organizations

- The IRS oversees tax-exempt organizations through the Office of the Director, Exempt Organizations ("EO") in its Tax Exempt and Government Entities Division ("TE/GE"). EO has three primary functions:

rulings, examinations, and customer education and outreach.

- The rulings program, among other functions, processes applications for recognition of tax exemption to determine if organizations meet the requirements for exemption. Except for churches and certain small charities, all organizations must apply to the Internal Revenue Service to be recognized as 501(c)(3) organizations. The IRS will review the application to ensure that the requirements for exemption are met.

- The examination program monitors compliance with the tax laws by reviewing and verifying the annual information returns filed by tax-exempt organizations. It also conducts audits to determine whether organizations continue to operate as required by the tax laws, and assesses taxes and imposes other sanctions for non-compliance.

- The customer education and outreach program works with tax-exempt organizations to help them understand and meet their responsibilities under the tax laws.

- The IRS may deny an organization's application for tax-exempt status, or revoke its existing tax-exempt status, if the organization does not comply with federal tax law. A revocation means that the organization becomes taxable and, in the case of a section 501(c)(3) charity, that donors will receive no tax benefits from contributions to the organization. Revocation may also cause the state in which the organization is organized to take action to ensure its assets are used for charitable purposes.

4. Data Available on Specific Tax-Exempt Organizations

- In general, tax-exempt organizations file an application to obtain their status (Form 1023 for 501(c)(3) organizations and Form 1024 for other exempt organizations). If the application is

approved, a copy of the application is available to the public from the IRS and should be available from the organization as well.

- The application contains the organizational documents and description of the organization's intended activities as of the date of application. It will also disclose the principal officers and recent financial history.

  Once an application is approved, no subsequent application is made even if the organization substantially changes its activities. Consequently, it is possible that the information on the application may be outdated and not indicative of the organization's current activities. If an organization changes its activities, it is asked to inform the IRS of the change, but the IRS does not make the notice of change public.

- As indicated above, the annual information returns prepared by tax-exempt organizations (Forms 990 and 990-PF) are available to the public, except for the organization's list of contributors. The returns list assets and liabilities, income and expenses for each year.

- Contribution income and fund-raising expenses are separately itemized.

- Contribution income and fund-raising expense reporting has not always proven to be reliable, or consistent from organization to organization. Tax-exempt organizations may try to minimize reported expenses so that their operations appear to be more efficient than they actually are. This might be done by disguising fund-raising expenses as charitable program expenses, or by "netting" contribution income against fundraising expenses (and not reporting the actual amounts netted).

- Organizations must show the total amount of grants made, but do not necessarily list particular recipients.

- Forms 990 and 990-PF are available from the IRS, and the organization must provide copies of its three most recent annual returns to anyone who asks. This requirement has facilitated efforts in the private sector to make information about tax-exempt organizations widely available. (See, for example, www.guidestar.org, a web site dedicated to making information returns and other information about charitable organizations easily accessible.)

- Tax returns and other documents that are not publicly available for inspection are generally not available for any purpose other than for federal tax administration. Examples of documents that are not publicly available are lists of contributors, files concerning the denial or revocation of tax-exempt status, and tax returns of entities that are subject to tax.

- There are certain exceptions allowing disclosure of tax information to other federal or state agencies for enforcement purposes.

B. Federal Trade Commission

- The Federal Trade Commission (the "FTC") regulates the practices of telemarketers and direct mail advertisers that promote and sell products and services to the public.

- In the Crimes Against Charitable Americans Act of 2001 (signed into law on October 26, 2001), the law extended the FTC's jurisdiction over telemarketing and consumer fraud to include charitable solicitations. It increases criminal sanctions against persons who fraudulently solicit charitable contributions in connection with the commission of other federal crimes.

II. State Regulation

- State regulation of charities vary among the 50 states, though 38 states have adopted charitable solicitation statutes.

- Charitable solicitation statutes provide the public with a means to obtain information about charities that solicit contributions in the state. They also help protect the public against solicitation fraud and misrepresentation.

- Typically, charitable solicitation statutes require a charity to register with a state agency before making any solicitation for contributions. Most states have certain exceptions, often for religious organizations, but these exemptions are not uniform among the states. Registration is generally done annually.

- Some states require annual audited financial statements to be submitted by the soliciting charities. Generally, these are available for public review.

- Some states also require individuals or contractors soliciting for contributions on behalf of charities to register annually with state agencies, and provide copies of their fund-raising contracts. Some states also require fund-raising counsel to register with the state. Generally, registration forms and contracts are public.

- 34 states accept a Unified Registration Statement in lieu of their own registration requirements. This makes registration more convenient for organizations that solicit contributions in many states.

- Most states with solicitation statutes authorize the state attorney general to prosecute violations, including fraud and misrepresentation.

- States currently are faced with the problem of solicitation through the internet.

- State charity officials have formed the National Association of State Charities Officials ("NASCO"). It works for greater uniformity and cooperation among the states, including promoting the "Model Act Concerning the Solicitation of Funds for Charitable Purposes," and coordinates with IRS Exempt Organizations Division. (NASCO's web site is www.nasconet.org.)

III. Private Sector Institutions

- The U.S. has a vibrant private charitable sector that complements government oversight. A variety of watchdog groups, management support organizations, and infrastructure organizations serve to increase visibility and accountability, increase effectiveness, and promote high standards in non-profit organizations.

- Watchdog organizations help donors make informed choices by providing information about how effectively or honestly a charity soliciting funds may be operating. Examples include Guidestar, mentioned above, and the Better Business Bureau Wise Giving Alliance, which collects and distributes information about programs, practices, and finances of many charitable organizations soliciting contributions nationwide. (See www.give.org.)

- Some organizations focus on concerns of the non-profit community or particular segments of it. For example, Independent Sector is a coalition of more than 700 national organizations, foundations, and corporate philanthropy programs that serves to promote, strengthen, and advance the non-profit and philanthropic community to foster private initiative for the public good. Its broad mission includes helping organizations improve both accountability and effectiveness. (See, www.independentsector.org.)

  Other organizations focus efforts on a segment of the non-profit community. For example, the Evangelical Council for Financial Accountability ("ECFA") comprises charitable, religious, social, and educational organizations. It is an accreditation organization that grants or withholds membership based upon its

review of financial practices and accomplishments of organizations that apply. (See www.ecfa.org. ECFA is the United States member of the International Committee for Fundraising Organizations ("ICFO").

Paragraph 2 (a):

How does the United States control the establishment in its territory of para-military groups that have the potential to engage in terrorist activities?

The FBI and other law enforcement agencies throughout the United States conduct ongoing investigations regarding activities of para-military groups that may perpetrate or support terrorist acts. Extensive liaison efforts at all levels try to ensure that the United States has current and thorough information regarding such groups and their activities. In addition, the FBI has established Joint Terrorism Task Forces in 51 of its 56 field offices. Working in coordination with law enforcement communities, the FBI uses a broad range of investigative techniques including human and technical sources, aggressive undercover operations, analysis of telephone and financial records, mail covers and physical surveillance. All of these investigative efforts are employed once there is reason to believe that an individual or organization may intend to engage in terrorist activity.

Weapons: What measures does the United States have to prevent terrorists [from] obtaining weapons in its territory, in particular small arms or light weapons? What is the United States legislation concerning the acquisition and possession of such weapons?

Under the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, it is with some exceptions unlawful for non-immigrant aliens to receive or possess firearms in the United States. 18 U.S.C. 922(g)(5). However, the statute provides a number of exceptions to this prohibition, including persons admitted under non-immigrant visas who obtain a hunting license or permit issued by any State. 18 U.S.C. 922(y)(2). It is also, with exceptions, unlawful for any person to transfer a firearm to a person whom they know or have reasonable cause to believe has been admitted to the United States

on a non-immigrant visa or who is an illegal alien. 18 U.S.C. 922(d)(5). Further, non-immigrant aliens must establish residency in a State for at least 90 days before they may lawfully acquire a firearm from a Federal firearms licensee. 18 U.S.C. 922(a)(3), 922(a)(5), 922(b)(3). Moreover, attempted acquisitions of firearms from federal firearms licensees by any unlicensed purchaser, including aliens, is subject to a criminal history background check and a check of the Immigration and Naturalization Service database on immigration status. A check of these databases is designed to preclude non-immigrant and illegal aliens, as well as other "prohibited persons" (e.g. felons), from acquiring firearms from licensees. In addition to the criminal prohibitions on the acquisition, transfer and exportation of certain weapons that appear in the U.S. Code (Chapter 44 - Firearms), 18 U.S.C. 921, et seq., there are more specific provisions against providing material support and resources to terrorists and designated foreign terrorist organizations. Particularly, 18 U.S.C. 2339A and 2339B (as described in previous submissions and in response to the supplemental query regarding paragraph 1(b)) make it a crime to provide or to attempt or conspire to provide, material support or resources, intending the material support or resources to be used in the commission of a wide variety of specified terrorist related crimes (2339A) or to go to a designated foreign terrorist organization (2339B). Material support or resources is very broadly defined and specifically includes not only funds and monetary instruments, but also includes "training, expert advice or assistance ... weapons, lethal substances, explosives, personnel ... and other physical assets ..." Penalties for violation can include criminal fines and incarceration for life.

The foregoing applies only to the federal government. States and local governments also have numerous laws regulating purchase and possession of firearms.

Other measures: Does the United States have any means of detecting at the local, as distinct from the national, level activities preparatory to a terrorist act? Are there agencies and procedures at the local level for monitoring sensitive activities, such as combat sports and shooting with light weapons, paramilitary training, the piloting of aircraft, biological laboratories and the use of explosives for industrial purposes?

The FBI, in coordination with other law enforcement agencies, conducts local investigations to detect terrorist activity. Joint terrorism task forces, that include personnel from the FBI, other federal agencies, and local law enforcement officials, jointly investigate suspicious activity.

After September 11, 2001, most states established offices to promote homeland security. These offices coordinate and streamline efforts of local and state authorities to prevent terrorist activity.

Paragraph 2(e):

Are the relevant provisions of the Penal Code of the United States applicable in all of the following circumstances?

Acts committed outside the United States by a person who is a citizen of, or habitually resident in, the United States (whether that person is currently present in the United States or not); acts committed outside the United States by a foreign national who is currently in the United States?

The provisions of the criminal code directed against terrorist acts are among the most serious offenses under United States law. Not only do they carry substantial penalties, including life imprisonment or, in certain circumstances, the death penalty, but many of them also include extraterritorial jurisdiction that make them applicable to "acts committed outside the United States by a person who is a citizen of, or habitually resident in, the United States (whether that person is currently present in the United States or not);" and "acts committed outside the United States by a foreign national who is currently in the United States".

(See, for example, 18 U.S.C. 32 (relating to the destruction of aircraft), 37 (relating to violence at international airports), 351 (relating to congressional or Cabinet officer assassination), 831 (relating to prohibited transactions involving nuclear materials), 844(f) or (i) (relating to destruction by explosives or fire of government property or property affecting interstate or foreign commerce), 875 (relating to interstate communications), 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), 1111 (relating to murder), 1114 (relating to murder of United States law enforcement officials),

1116 (relating to murder of foreign officials, official guests, or internationally protected persons), 1201 (relating to kidnapping), 1203 (relating to hostage taking), 751 (relating to Presidential assassination), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to terrorist acts abroad against United States nationals), 2332a (relating to use of weapons of mass destruction), 2332b (relating to international terrorist acts transcending national boundaries), or 2339A (relating to providing material support to terrorists).

Paragraph 3(c):

Please indicate the date on which the International Convention for the Suppression of Terrorist Bombings is to be ratified. Has a program of ratification already been embarked on?

The Senate gave advice and consent to ratification of the Terrorist Bombings Convention on December 5, 2001, and the instrument of ratification is before the President for signature. Legislation necessary to implement the Convention passed the House of Representatives on December 20, 2001, and currently is pending in the Senate. The United States expects to deposit its instrument of ratification as soon as the necessary implementing legislation is enacted.

Please provide a list of the relevant bilateral agreements to which the United States is party.

As noted in the United States' previous report to the Counter-Terrorism Committee, the United States provides assistance for criminal investigations or proceedings relating to terrorist acts pursuant to 47 bilateral mutual legal assistance treaties and agreements currently in force. These are with Antigua and Barbuda; Argentina; Australia; Austria; Bahamas; Barbados; Belgium; Brazil; Canada; China; Czech Republic; Dominica; Egypt; Estonia; France; Greece; Grenada; Hong Kong; Hungary; Israel; Italy; Jamaica; Korea; Latvia; Lithuania; Luxembourg; Mexico; Morocco; Netherlands; Panama; Philippines; Poland; Romania; Russian Federation; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; South Africa; Spain; Switzerland; Thailand; Trinidad and Tobago; Turkey; Ukraine; United Kingdom (Cayman Islands); United Kingdom; Uruguay.

Paragraph 3(e):

Have the crimes mentioned in the relevant international conventions been included as extraditable offences in the bilateral treaties to which the United States is party?

Each of the UN conventions and protocols that address a particular terrorist crime also deem that criminal offense to be included in any bilateral extradition treaty existing between States Parties to the UN instrument. Thus these multilateral instruments themselves have the legal effect of incorporating the offenses they address into all U.S. bilateral extradition treaties, and corresponding amendments to each individual bilateral extradition treaty are unnecessary.

Paragraph 4:

Has the United States addressed any of the concerns expressed in paragraph 4 of the resolution?

The United States is working domestically and with other countries and international organizations to uncover and sever ties among terrorists, transnational organized crime, illicit drugs, money-laundering, and illegal arms trafficking. The U.S. is increasingly concerned about the possibility of illegal movement of nuclear, chemical, biological, and other potentially deadly materials. For example, the United States is working with its partners in G-8, OSCE, NATO, OAS, and other international organizations to advance the fight against terrorism through law enforcement and judicial cooperation; aviation, border, container and document security; freezing of terrorist-linked assets; non-proliferation of weapons of mass destruction, and other areas of concern. The U.S. is also working with organizations, such as the Financial Action Task Force, to help them expand their traditional role in helping to prevent money laundering, including terrorist financing. In addition, the United States has begun to work with several countries on anti-terrorist financing technical assistance needs assessments and on follow-on implementation programs.

The United States is incorporating a more robust anti-terrorism component into its international law enforcement training curricula. The U.S. now includes a counter-terrorism segment in the core courses of its International Law Enforcement Academies (ILEAs). It

is also in the process of creating a specialized anti-terrorism course to be taught in the ILEAs. Moreover, the U.S. has begun offering a seminar in Washington on drafting anti-terrorism legislation for countries that need such assistance.

The U.S. Government is working with other countries bilaterally, regionally and in other multilateral fora to address issues related to international crime and terrorism. For example, the U.S. is assisting the Afghan Interim Authority to combat the production and trafficking of illicit drugs, with an emphasis on alternative development for poppy farmers. The U.S. is working with the UN Office for Drug Control and Crime Prevention on an appropriate role for its Terrorism Prevention Branch to play in facilitating legal assistance and advice to states seeking to ratify and implement the 12 UN counter-terrorism conventions.

Finally, the U.S. Government is working with the International Atomic Energy Agency (IAEA) on a comprehensive plan to address the threat of nuclear and radiological terrorism, and to help member states protect and secure sensitive material and facilities. The U.S. is also working with other countries to enhance the ability of multilateral export control regimes to prevent terrorist groups and their supporters from acquiring weapons of mass destruction (WMD) materials and technology.

Other Matters:

Organization Charts

- Department of State
- Department of the Treasury
- Department of the Treasury Legal Division
- Office of Foreign Assets Control
- Homeland Security/National Security Advisor
- Assistant to the President for Homeland Security